

**REMARKS**

In response to the Notice of Non-Compliant Amendment, Applicant indicates the claims as "previously presented", "currently amended" or "canceled" as required. In the Final Office Action, claims 36-60 are pending, and the Examiner allows claim 47, objects to claims 40-44, and rejects claims 36-39, 45-46, and 48-60. *Please note that the Advisory Action incorrectly lists the states of the claims and the final office action should be referred to for the correct pending status.*

In response to the Final Office Action, Applicant amends Independent claim 36 to include the elements of objected to claim 40 and cancels claims 40 and 48-60. Claim 41 is amended to depend on claim 36 rather than on cancelled claim 40. No change is made to allowed independent claim 47. Applicant respectfully asserts that the claims are now in a condition for allowance.

**A. Comments regarding claim objections and allowable subject matter**

Applicant respectfully asserts that the Helferich Patent (U.S. 6,462,646) alone or in combination with Wagner (U.S. Patent No. 6,282,435) and/or Chaco (U.S. Patent No. 6,009,333) fails to disclose, teach or suggest a user setting options for broadcasting a message as claimed by Applicant, wherein one of the options comprises selecting at least one delivery status option of a plurality of delivery status.

B. Conclusion

Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims as Applicant has complied with the rules for amendments after final rejection as set forth in 37 CFR 1.116(b). Should the Examiner require further information, he is invited to contact the Applicant's representative at the number listed below.

C. Extension Fees As a Result of the Notice of Non-Compliant Amendment

The Examiner indicates that the previous amendment was not entered, and as such, Applicant assumes that the previously submitted one (1) month extension fee was not charged to Applicant. The date of the Final Office Action is November 16, 2004, and thus, as of today's date, Applicant assumes that two (2) months extension fees are due.

Respectfully Submitted,

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